

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

NEXTRAQ, LLC, a Delaware Limited
Liability Company, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

OMNITRACS, LLC, a Delaware limited
liability company.

Defendant.

Case No. 1:22-cv-06720
Honorable Matthew F. Kennelly

MOTION FOR LEAVE TO FILE
FIRST AMENDED CLASS ACTION COMPLAINT

Plaintiff, NexTraq, LLC (“NexTraq”) moves the Court, pursuant to Fed. R. Civ. P. 15(a), for leave to file a First Amended Complaint in order to add a new claim for tortious interference with contract against an unknown co-defendant. A copy of NexTraq’s First Amended Complaint is attached as Exhibit A. Rule 15(a)(2) provides that leave to amend “shall be freely given when justice so requires.” Fed. R. Civ. P. 15(a)(2). Justice requires leave to amend here.

On or about October 7, 2022, an unidentified party purchased the VisTracks assets, including the ELD product, from Omnitrac. This party acquired the assets alone and not the on-going Agreements to supply ELD services. The party provided a temporary license to Omnitrac to continue supplying ELD services only through December 31, 2022, rather than through the Agreements’ terms, even though the unknown party knew the Agreements’ terms extended beyond December 31, 2022.

This ensured a breach of the Agreements. Omnitrac's refuses to identify this person or entity, leaving the identity of the wrongdoer unknown to NexTraq.

NexTraq's First Amended Complaint adds a tortious interference claim against this party. NexTraq sues this Defendant by the fictitious name John Doe. When the true name, involvement, and capacity of this party is ascertained through discovery, NexTraq will seek leave to amend this First Amended Complaint to add its identity and additional details. The First Amended Complaint also eliminates Count II, which it previously dismissed without prejudice.

Before filing this Motion and the attached First Amended Complaint, NexTraq contacted Omnitrac's to ask whether it would object to the filing. Omnitrac's opposes the Motion for Leave to Amend on the grounds it contends the amendment is futile.

WHEREFORE, NexTraq respectfully requests the Court grant it leave to file the First Amended Complaint.

Dated: March 13, 2023.

Respectfully submitted,

s/ Peter W. Herzog III

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Attorneys for Plaintiff NexTraq, LLC and
the proposed Class

CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on March 13, 2023, I electronically filed the foregoing **Motion for Leave to File First Amended Class Action Complaint** with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties.

s/ Peter W. Herzog III
